

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 15-0156**

**STATE v. STEWART**

**Appellate Case Information**

Case Filed: 16-Mar-2015  
Case Closed:

**Dept/Composition**

**Department A**

Hon. Kenton D Jones  
Hon. Randall M Howe  
Hon. Donn Kessler

**Side 1. STATE OF ARIZONA, Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**

Adele Ponce, Esq. (AZ Bar No. 23237)

**Side 2. ROBERT JOEARL STEWART, Appellant**

(Litigant Group) ROBERT JOEARL STEWART

- Robert Joearl Stewart

**Attorneys for: Appellant**

Cari McConeghy Nolan, Esq. (AZ Bar No. 20572)

**CASE STATUS**

Nov 8, 2016.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR 2013-111961-001	Aggravated Assault, Class 3	10 Years	Virginia L Richter, Sentencing	JURY	

**DESCENDENT CASE(S)**

ASC CR-16-0499-PR

**OPEN DUE DATE**

Petition for Review to ASC due

Due By: Thursday, January 12, 2017

[1 extension]

Re: MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones Judge - Author; Hon Randall M Howe - Concur;  
Hon Donn Kessler - Concur

**CASE DECISION**

08-Nov-2016 MEMORANDUM DECISION

Kenton Jones.....Author  
Randall Howe.....Concur  
Donn Kessler.....Concur

Filed: 08-Nov-2016

Mandate:

Decision Disposition

**Affirmed**

**71 PROCEEDING ENTRIES**

- 16-Mar-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/11/15. Notification to Court Reporters dated 03/13/15. Includes Designation of Record.
- 10-Apr-2015 FILED: Reporter's Transcripts - 10/03/13 - Final Trial Management Conference (Vanessa Gartner)
- 20-Apr-2015 FILED: Reporter's Transcript--05/20/2014--Jury Trial--Verdict--Agg Phase (Renee Mobley)
- 22-Apr-2015 FILED: Reporter's Transcript--05/14/2014--Jury Trial--Day 4 (Renee Mobley)
- 23-Apr-2015 FILED: Motion for Extension of Time to File Transcripts (Wanda Bauer)
- 23-Apr-2015 FILED: Reporter's Transcript - 05/12/2014 - Trial (Doreen Sutton)
- 23-Apr-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None

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8. 23-Apr-2015 FILED: Additional Record on Appeal  
Exhibits:  
Hearing Date 07/10/13 - List # 1 in a Manila Envelope  
Hearing Date 05/06/14 - List # 1 3 5 10 13 17 18 19 in a Manila Envelope  
Hearing Date 01/02/15 - List # 1 in a Manila Envelope  
Confidential Criminal History Addendum in Sealed Manila Envelope
9. 24-Apr-2015 FILED: Reporter's Transcript--05/19/2014--Jury Trial--Day 6 (Renee Mobley)
10. 24-Apr-2015 FILED: Motion for Extension of Time to File Transcripts in State of Arizona v Robert Joearl Stewart (Renee Mobley)
11. 26-Apr-2015 FILED: Reporter's Transcript - 05-07-14 - Trial Day 3 (Deborah M. Croci)
12. 27-Apr-2015 FILED: Reporter's Transcript - 11-19-13 - Jury Trial (Helene Paustian)
13. 27-Apr-2015 FILED: Reporter's Transcript - 11-20-13 - Jury Trial (Helene Paustian)
14. 27-Apr-2015 FILED: Reporter's Transcript - 11-21-13 - Jury Trial (Helene Paustian)
15. 28-Apr-2015 ORDERED: Motion for Extension of Time to File Transcripts in State of Arizona v Robert Joearl Stewart (Renee Mobley) = GRANTED. Due Dates EXTENDED to 05/28/2015 for Transcripts dated 05/05/2014, 05/06/2014, 05/08/2014, 05/15/2014, 01/02/2015 or OSC on 06/03/2015. Hon Michael J Brown - Author
16. 28-Apr-2015 FILED: Reporter's Transcript--05/06/2014--Jury Trial--Day 2 (Renee Mobley)
17. 28-Apr-2015 ORDERED: Motion for Extension of Time to File Transcripts (Wanda Bauer) = GRANTED. Due Dates EXTENDED to 05/28/2015 for Transcripts dated 11/13/2013, 11/14/2013, 11/18/2013 or OSC on 06/03/2015. Hon Michael J Brown - Author
18. 7-May-2015 FILED: Reporter's Transcript--05/08/2014--Jury Trial--Day 3 (Renee Mobley)
19. 12-May-2015 ORDERED: Ken Crenshaw due dates EXTENDED to 06/11/2015 for Transcripts dated 08/15/2014, 10/31/2014, 12/10/2014 or OSC on 06/17/2015. Hon Michael J Brown - Author
20. 13-May-2015 FILED: Motion for Extension of Time (to File Transcripts on behalf of Brenda Brown) (Barbara Stockford)
21. 16-May-2015 FILED: Reporter's Transcript - 11-13-2013 - Trial (Wanda Bauer)
22. 19-May-2015 FILED: Reporter's Transcript--05/15/2014--Jury Trial--Day 5 (Renee Mobley)
23. 21-May-2015 FILED: Reporter's Transcript - 11-14-13 - Trial (Wanda Bauer)
24. 21-May-2015 FILED: Reporter's Transcript - 11-18-13 - Trial (Wanda Bauer)
25. 21-May-2015 ORDERED: Motion for Extension of Time (to File Transcripts on behalf of Brenda Brown) (Barbara Stockford) = GRANTED. Due date EXTENDED from Monday, 04-27-2015 to Monday, 07-20-2015 for transcript of proceedings held on 02/20/2015 or OSC 8/5/15. Hon Michael J Brown - Author
26. 22-May-2015 FILED: Reporter's Transcript--05/05/2014--Jury Trial--Voor Dire--Part 1 (Renee Mobley)
27. 27-May-2015 FILED: Reporter's Transcript--01/02/2015--Presentence Hrg (Renee Mobley)
28. 11-Jun-2015 FILED: Reporter's Transcript - 08/15/2014 Status Conference (Janice Penfield)
29. 11-Jun-2015 FILED: Reporter's Transcript - 10/31/2014 Status Conference (Janice Penfield)
30. 11-Jun-2015 FILED: Reporter's Transcript - 12/10/2014 Status Conference (Janice Penfield)
31. 15-Jun-2015 FILED: Reporter's Transcript - 02/20/2015 - Sentencing/Mitigation Hearing (Jovanna Roman for Brenda Brown)
32. 16-Jun-2015 FILED: Notice of Completion of Record
33. 3-Aug-2015 ORDERED: Opening Brief due date EXTENDED from Friday, 07-31-2015 to Monday, 08-31-2015. Fred Cole ProTem Judge - Author
34. 17-Aug-2015 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
35. 17-Aug-2015 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief in Propria Persona; Certificate of Service (Appellant)

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36. 18-Aug-2015 ORDERED: Allowing appellant to file supplemental brief in propria persona; FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG; FURTHER ORDERED: Appellant may raise additional points on/before 09/28/2015; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author (VACATED per order dated 09/29/15)
37. 20-Aug-2015 FILED: Letter, dated 08/20/15 from Counsel to Appellant re: Forwarding record on appeal (Appellant)
38. 17-Sep-2015 FILED: Notice of Appearance; Certificate of Service Re: Notice of Appearance (Appellant)
39. 23-Sep-2015 FILED: Motion to Strike Anders Brief and Allow Counsel Time to File Original Opening Brief (Appellant); Certificate of Service - Motion to Strike Anders Brief and Allow Counsel Time to File Original Opening Brief (Appellant) (Appellant)
40. 29-Sep-2015 ORDERED: Motion to Strike Anders Brief = GRANTED. FURTHER ORDERED: Vacating this court's order dated August 18, 2015, allowing appellant to file a pro se supplemental brief. FURTHER ORDERED: Allow Counsel Time to File Original Opening Brief raising non-frivolous issues(Appellant)= GRANTED/Brief due 10/30/15. Anthony Mackey ProTem Judge - Author
41. 30-Oct-2015 FILED: Motion to Continue Due Date for Opening Brief; Certificate of Service (Appellant)
42. 2-Nov-2015 ORDERED: Motion to Continue Due Date for Opening Brief(Appellant)= GRANTED. Due date EXTENDED from Friday, 10-30-2015 to Monday, 11-30-2015. Anthony Mackey ProTem Judge - Author
43. 30-Nov-2015 FILED: Motion to Continue Due Date for Opening Brief; Certificate of Service (Appellant)
44. 2-Dec-2015 ORDERED: Motion to Continue Due Date for Opening Brief (Appellant)= GRANTED. Due date EXTENDED from Monday, 11-30-2015 to Friday, 01-29-2016. Anthony Mackey ProTem Judge - Author
45. 28-Jan-2016 FILED: Motion to Continue Due Date for Opening Brief; Certificate of Service (Appellant)
46. 1-Feb-2016 ORDERED: Motion to Continue Due Date for Opening Brief= GRANTED. Due date EXTENDED from Friday, 01-29-2016 to Monday, 02-29-2016. Anthony Mackey ProTem Judge - Author
47. 7-Mar-2016 FILED: Motion to Continue Due Date for Opening Brief; Certificate of Service (Appellant)
48. 8-Mar-2016 ORDERED: Motion to Continue Due Date for Opening Brief (Appellant)= GRANTED. Due date EXTENDED from Monday, 02-29-2016 to Thursday, 03-31-2016. Counsel is advised that if brief is not filed by 03/31/16, this court will assign this matter for consideration and disposition on the basis of Opening Brief previously filed on 08/17/15. Anthony Mackey ProTem Judge - Author
49. 31-Mar-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service Re: Opening Brief (Appellant)
50. 3-May-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
51. 17-May-2016 ORDERED: Answering Brief due date EXTENDED from Monday, 05-16-2016 to Wednesday, 06-15-2016. Fred Cole ProTem Judge - Author
52. 15-Jun-2016 FILED: Motion for Extension of Time to File Answering Brief (Second Request); Certificate of Service (Appellee)
53. 16-Jun-2016 ORDERED: Motion for Extension of Time to File Answering Brief (Second Request) (Appellee) = GRANTED/Due date EXTENDED from Wednesday, 06-15-2016 to Friday, 07-15-2016. Anthony Mackey ProTem Judge - Author
54. 15-Jul-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
55. 15-Jul-2016 FILED: Motion to Exceed Word Limit; Certificate of Service (Appellee)
56. 26-Jul-2016 ORDERED: Motion to Exceed Word Limit (Appellee) = GRANTED/Directing the Clerk of this Court to file the tendered brief. Anthony Mackey ProTem Judge - Author
57. 1-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
58. 5-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
59. 9-Aug-2016 FILED: Motion to Continue Due Date for Reply Brief; Certificate of Service Re: Motion to Continue Due Date for Reply Brief (Appellant)

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| 60. | 10-Aug-2016 | ORDERED: Motion to Continue Due Date for Reply Brief (Appellant) = GRANTED/Due date EXTENDED from Tuesday, 08-09-2016 to Monday, 08-29-2016. Anthony Mackey ProTem Judge - Author |
| 61. | 29-Aug-2016 | CLNDR: CONFERENCE, Department A, 10-14-16, COURTROOM 2.   |
| 62. | 29-Aug-2016 | FILED: Motion to Continue Due Date for Reply Brief; Certificate of Service Re: Motion to Continue Due Date for Reply Brief (Appellant)  |
| 63. | 1-Sep-2016  | ORDERED: Motion to Continue Due Date for Reply Brief (Appellant) = GRANTED/Due date EXTENDED from Monday, 08-29-2016 to Monday, 09-19-2016. Hon Kenton D Jones Judge - Author     |
| 64. | 19-Sep-2016 | FILED: Motion to Continue Due Date for Reply Brief; Certificate of Service Re: Motion to Continue Due Date for Reply Brief (Appellant)  |
| 65. | 21-Sep-2016 | ORDERED: Motion to Continue Due Date for Reply Brief (Appellant) = GRANTED/Due date EXTENDED from Monday, 09-19-2016 to Wednesday, 09-21-2016. Hon Kenton D Jones Judge - Author  |
| 66. | 21-Sep-2016 | FILED: Appellant's Reply Brief; Certificate of Compliance re: Reply Brief; Certificate of Service re: Reply Brief (Appellant)   |
| 67. | 11-Oct-2016 | FILED: Memorandum moving Conference from 10/14 to 10/13/16 (Judge Jones)  |
| 68. | 8-Nov-2016  | MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones Judge - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur  |
| 69. | 8-Nov-2016  | FILED: Memorandum Decision Distribution List  |
| 70. | 16-Dec-2016 | FILED: ASC Order filed (no date included) re: extending time for filing Petition for Review to 01/12/2017   |
| 71. | 16-Dec-2016 | FILED: ASC Order filed 12/16/2016 re: extending time for filing Petition for Review to 01/12/2017   |